

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

DARCY BUDREAU) Case No.: 19CV06700
vs. Plaintiff,)
WALMART, INC., a foreign corporation.) COMPLAINT
Defendant.) (Negligence)
)
) Prayer Amount: \$226,000.00
) Fee Authority: ORS 21.160(1)(c)
) Filing Fee: \$560.00
)
) Not Subject to Mandatory Arbitration

Plaintiff, by and through her attorney, Jeffrey A. Trautman of Trautman Law, LLC, alleges as follows:

FACTUAL BACKGROUND

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Plaintiff Darcy Budreau (the “Plaintiff”), is an individual now residing in Marion County, Oregon.

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2.

Defendant Walmart, Inc. (“Walmart”) is a Delaware corporation, which owns, maintains and operates the Walmart store located at 3002 Stacey Allison Way, Woodburn, Marion County, Oregon 97071 (“Woodburn Walmart”).

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On or about February 19, 2017 Plaintiff was a patron and business invitee of the Woodburn Walmart and was within the area maintained and controlled by Defendant for the use and benefit of its patrons and invitees.

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While conducting her shopping in the Woodburn Walmart, Plaintiff approached the rotisserie chicken display, intending to pick up a rotisserie chicken to purchase. As she reached under the lamp to retrieve a chicken, her foot slipped on a greasy substance, causing her right leg to suddenly and unexpectedly slide out from underneath her, thereby dislocating her right hip.

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As she was awaiting medical attention, Plaintiff could see grease drips on the rim of the rotisserie chicken display case.

6.

No Woodburn Walmart employee was present in the area of the rotisserie chicken display when Plaintiff slipped on the greasy substance.

7.

No warning signs, warning cones or other barriers were present in the area of the rotisserie chicken display when Plaintiff slipped on the greasy substance.

8.

No rug, mat or other floor covering was in the area of the rotisserie chicken display when Plaintiff slipped on the greasy substance.

9.

Plaintiff was harmed by her sudden, unexpected loss of footing, as more fully described herein.

10.

Defendant was negligent in one or more of the following particulars:

- (a) Failing to maintain the store flooring in a safe condition by keeping it free of any substances that impeded pedestrian use, in particular using a floor surface that would avoid grease becoming a danger to patrons;
- (b) Failing to warn, clean or correct a dangerous condition in the rotisserie chicken area such that it became an unreasonably dangerous slip hazard;
- (c) Failing to maintain and clean the store flooring on a regular and frequent basis in order to avoid it from becoming an unreasonably dangerous slip hazard and thus creating a dangerous condition for patrons and pedestrian travel;
- (d) Failing to warn of the dangerous condition of the potential for grease on and near the rotisserie chicken area by placing warning signs at that location; and
- (e) Failing to make a reasonable inspection of its premises when it knew, or should have known in the exercise of reasonable care, that said inspection was necessary to prevent injury to the Plaintiff and others lawfully on the premises.

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11.

As a result of the Defendant's negligence, it was foreseeable that Plaintiff, or others similarly situated, would suffer injury, and, in fact, Plaintiff slipped on grease from the chicken rotisserie area that had spilled, causing physical pain and suffering, including temporary and permanent injuries to her right hip, which resulted in medical treatment. As a direct and proximate result of Defendant's negligence, Plaintiff also suffers from range of motion reductions, chronic instability and pain in her right hip.

12.

The injuries Plaintiff suffered as a result of the Defendant's negligence consist of new injuries but may also consist, in whole or in part, of injuries or aggravations to possible prior infirm conditions, including but not limited to her prior hip replacement.

13.

As a result of Defendant's negligence, Plaintiff has incurred reasonable and necessary medical expenses and will incur future medical expenses, all to her economic damage of \$31,000.00, or such sum as may be proven at trial.

14.

As a further result of Defendant's negligence, Plaintiff missed work and was ultimately forced to retire early, causing lost wages and economic damages in the amount of \$45,000.00, or such sum as may be proven at trial.

15.

As a further result of Defendant's negligence, Plaintiff has endured extreme pain, suffered discomfort and interference with her activities of daily living and mental anguish and

1 trauma, all to her noneconomic damages in the amount of \$150,000.00, or such sum as may be
2 proven at trial.

3 **WHEREFORE**, Plaintiff prays for judgment of this court as follows:

4 (1) For a money award against Defendant for economic damages in the
5 amount of \$76,000.00 and noneconomic damages in the amount of
6 \$150,000.00, together with interest thereon at the rate of 9% per annum
7 until paid; and
8
9 (2) For Plaintiff's costs and disbursements incurred herein.
10 (3) For such other and further relief as the court deems necessary or
11 appropriate.

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13 DATED this 8th day of February, 2019.

14 TRAUTMAN LAW, LLC
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17 /s/Jeffrey A. Trautman
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19 Attorney for Plaintiff

20 Trial Attorney:
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